

Forms of MA Municipal Government

July 20, 2010

Watertown Charter Review
Commission

Overview

- Source of Municipal Power
- “Home Rule” & its Basic Framework
- “Cities” v. “Towns”?
- Four forms of government
 - City forms
 - Town Forms
- Basic Choices

Source of all MA Municipal power



“Home Rule”

- 1915: Optional “City Plans” A-D, E (1938) & F (1959) (except Boston)
- 1966: Art. 89 MA Const., Mass. Gen. L. Ch. 43B – *Home Rule Procedures Act*
- Communities can organize themselves, but
 - Cannot adopt by-laws/ordinances inconsistent with state law or constitution (Ch 43B, §8)
 - Only state legislature regulates elections, imposes taxes, borrows or pledges municipality's credit, disposes of parkland, enacts private law, imposes criminal penalties. (Cont. Amend. Art 89, §7)

Basic Home Rule Framework

- Legislative body must be elected (except Open Town Meeting)
- Chief executive may be appointed or elected
- School committee must be elected
- Boards/commissions may be appointed or elected
- City Forms
 - Council-Manager
 - Council-Mayor
- Town Forms
 - Representative Town Meeting
 - Open Town Meeting

“City” v. “Town” Forms

Cities

- Legislature
 - Smaller body (7-15), can develop expertise
 - Must be elected
 - Combines law, policy making & budget/borrowing approval
 - Continuous session
- Executive
 - Single person chief executive
- Pop. must > 12,000

Towns

- Legislature
 - Larger body (~100 – all voters), expertise unpredictable
 - Can be elected
 - Makes law, approves budget/borrowing
 - Only in session when called
- Executive
 - Board of Selectmen (3+ persons) – sets policy
 - Manager – administers staff
- Att’y Gen’l reviews by-laws and zoning by-laws

City Forms Compared

Council – Manager

■ Legislature

- Makes laws, approves budget/borrowing, may approve/veto appointments

■ Executive

- Appointed by council
- No veto power
- Appoints officials, prepares budget, approves contracts, negotiates with unions
- Also is chief administrator

Council – Mayor

■ Legislature

- Makes laws, approves budget/borrowing, may approve/veto appointments

■ Executive

- Directly elected
- May have veto power
- Appoints officials, prepares budget, approves contracts, negotiates with unions
- May have separate chief administrator

City Forms Pros & Cons

Council – Manager

■ Pro

- Exec removable by representatives
- Exec is professional manager/administrator
- Exec insulated from political influence

■ Con

- Exec lacks direct political accountability

Council – Mayor

■ Pro

- Exec has direct political accountability

■ Con

- Potential political influence on administrative decisions
- Professional administrator needed

Town Forms Compared

■ Representative TM

- Legislature large group of elected representatives
- Executive is board of selectmen + manager

■ Open TM

- Legislature is all voters
- Executive is board of selectmen + manager



Basic Choices

- Authority: Concentrated v. Dispersed?
- Accountability: Political v. Professional?
- Citizen participation: Appointed v. Elected?